

1979 WL 42776 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 23, 1979

***1 RE: Freedom of Information Act Request—Mr. and Mrs. Robert Griffin**

Mr. Larry Smith
County Sheriff
Sheriff—Administrative Office
Spartanburg County Courthouse
Spartanburg, South Carolina 29301

Dear Sheriff:

I have been forwarded a copy of the letter of Mr. and Mrs. Griffin to you, dated January 8, 1979. To the extent that Mr. and Mrs. Griffin are requesting the information described in their letter under the State Freedom of Information Act, Act No. 593, 1978, Statutes at Large 1736, I recommend that you advise the Griffins that the information which they requested is not subject to the State Freedom of Information Act.

Section 5(a)(3)(A) provides a specific exemption from the disclosure of the identity of informants not otherwise known. The Griffins' second request regarding what the officer conducting the surveillance of their home observed may be responded to in two ways. First, if there is no record, whether written or recorded, in the possession of your office, of such observation, there is no 'public record' within the meaning of the Act (Section 3(c)). If there is such a record, it may be that such record would involve the premature release of information to be used in a prospective law enforcement action (Section 5(a)). Further, such information may disclose investigatory techniques not otherwise known outside the government (Section 5(a)(3)(C)). Finally, it may be that the governing public body which governs your office may determine, by favorable public vote by three-fourths of its membership taken within fifteen working days after the receipt of the Griffins' request, that the public interest is best served by not disclosing such information.

The final request of the Griffins asks for your suggestions. It is, of course, up to you to determine whether or not you wish to respond. I assume that there are no records in your office containing such suggestions. Therefore, there are no records subject to the Freedom of Information Act.

I advise that you are required to give the Griffins a written response to their letter, stating whether or not you intend to disclose the records they request, and stating your reasons for refusing should you decide to do so. This written response must be given within fifteen (15) working days of the date you received the request.

If you have any further questions in this connection, please do not hesitate to contact me.

Very truly yours,

Katherine W. Hill
Assistant Attorney General

1979 WL 42776 (S.C.A.G.)